GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Prisons Department – Suits - High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh - PIL No.238/2015 filed by Member Secretary, Andhra Pradesh State Legal Services Authority, Hyderabad – Implementation of suggestions made by Andhra Pradesh State Legal Services Authority, Hyderabad – Providing of certain facilities to Women Pregnant Prisoners and their Children confined in Jails – Orders – Issued**.**

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HOME (PRISONS & FIRE) DEPARTMENT

G.O.RT.No. 425 Dated: 04-06-2018
Read the following:-

Ref:
1. G.O.Ms.No.647, Home (Prisons.C) Dept., dated 23.10.1981.
2. From the Hon'ble Supreme Court of India in its orders dated 13.11.2014 in W.P. (Civil) No.559/1994.
3. G.O.Ms.No.143, Home (P&F) Dept., dated 10.09.2015.
4. From the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh Orders dt. 30.10.2017 in PIL No.238 of 2015.
5. From the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh, Orders Dt:4.11.2017 in PIL No.238 of 2015.
6. From the Member Secretary, Andhra Pradesh State Legal Services Authority, City Civil Court, Hyderabad, report dated 13.11.2017 in PIL No.238 of 2015 of the Hon'ble High Court of Andhra Pradesh.
7. Govt. Memo No.2109/Pri & Fire/2017, dated 9.1.2018.
8. From the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh, Orders dt. 12.03.2018 in PIL No.238 of 2015.
9. From the Director General of Prisons and Correctional Services, A.P., Vijayawada Lr.No.Jud-2/64/2015, dated 01.05.2018.

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ORDER:

In pursuance of directions of the Hon'ble Supreme Court in W.P (Civil) No.559/1994, the Member Secretary, Andhra Pradesh State Legal Services Authority, City Civil Court Buildings, Hyderabad has submitted a report vide letter No.82/APSLSAILSW/2013, dated :7.10.2013 to the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh, requesting to issue orders for implementation of the directions of Hon'ble Supreme Court in W.P (Civil) No.559/1994 for enforcement of the rights of the Juvenile offenders, women prisoners and their children, mentally challenged under-trial and convicts etc. Accordingly, the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and State of Andhra Pradesh, has taken up and registered the said report as PIL. No.238/2015.

2. In the ref. 2nd read above, the Hon'ble Supreme Court in its order dated:13.11.2014 in W.P.(CIVIL) No. 559/1994 filed by R.D. Upadhyay, has ordered to provide the following facilities to the pregnant women prisoners and the Children of Women Prisoners besides the facilities recommended by the Member Secretary, Andhra Pradesh State Legal Services Authority, City Civil Court Buildings, Hyderabad:

....2.

i. As far as possible and provided she has a suitable option, arrangements for temporary release/parole (suspended sentence in case of minor and casual offender) should be made to enable an expectant prisoner to have her delivery outside the prison. Only exceptional cases constituting high security risk or cases of equivalent grave descriptions can be denied this facility.

ii. Children kept under the protective custody in a home of the Social Welfare Department shall be allowed to meet the mother at least once in a week.

iii. When a female prisoner dies and leaves behind a child, the Superintendent shall inform the District Magistrate concerned and he shall arrange for the proper care of the child. Should the concerned relatives be unwilling to support the child, the District Magistrate can either place the child in an approved institution/home run by the State Social Welfare Dept., or hand over the child to a responsible person for care and maintenance.

iv. A permanent arrangement needs to be evolved in all jails to provide separate food with ingredients to take care of the nutritional needs of children who reside with them on a regular basis.

v. Clean drinking water must be provided to the children. This water must be periodically checked.

vi. There shall be a crèche and nursery attached to the prison for women where the children of women prisoners will be looked after. Children below 3 years of age shall be allowed in this crèche and those between 3 and 6 years shall be looked after in the Nursery. The prison authorities shall preferably run the said crèche and nursery outside the prison premises.

vii. Pregnant Women prisoners and Women prisoners with children should not be kept in Sub Jails, unless proper facilities can be ensured which would make for a conductive environment there, for proper biological, psychological and social growth.

viii. The stay of children in crowded barracks amidst women convicts, under-trials, offenders relating to all types of crimes including violent crimes is certainly harmful for the development of their personality. Therefore, children deserve to be separated from such an environment on priority basis.

3. Further, the Hon'ble High Court in its order under references 4th and 5th read above, has directed the Union of India and (24) other Respondents including the State of Andhra Pradesh and the Director General of Prisons and Correctional Services to submit a compliance report in the matter.

4. Subsequently, in the ref. 6th read above, the Member Secretary, Andhra Pradesh State Legal Services Authority, City Civil Court Buildings, Hyderabad vide his report dated 13.11.2017, has made the following suggestions with regard to the facilities to be provided to pregnant Women Prisoners (Both CT/UT) and their Children confined in various Jails in the State of Andhra Pradesh :

....3.

i. In order to verify the facilities that are being provided to pregnant women including pre-natal and post-natal care to the pregnant women, it is suggested that the Superintendent of the concerned jail, soon after admission shall communicate to the Secretary, DLSA immediately for proper monitoring of the pre-natal and post-natal care of the said pregnant woman.

ii. The Superintendent of the concerned Jail after admitting a woman prisoner along with infant/children, the said fact also shall be communicated to the Secretary, DLSA immediately for the purpose of monitoring the welfare of the said infant/children.

iii. Whenever any pregnant woman is admitted in the Prison either as Convict or UTP, immediately after admission, the Jail authority shall provide regular medical check up, to the said pregnant woman, so as to provide proper and required medical facilities and also any specified diet as prescribed by the Doctor in the interest of the health of the pregnant woman and the child in the womb and shall maintain individual medical record pertaining to these aspects.

iv. Soon after delivering a child by the pregnant woman prisoner, registration of the birth of the said child with local authority, the Jail authorities themselves shall obtain the Birth Certificate of the child from the concerned and shall preserve the same in the personal record of the prisoner, hand over the said Birth Certificate to the prisoner at the time of her release and the Jail authorities shall maintain a photostat copy of the said Birth Certificate in their registers.

v. Place of birth of a child of a pregnant woman while she is undergoing sentence or during the remand period, shall not be recorded as "**jail/prison"** as it may be a negative mark to the child in future, who is in no way concerned with the crime, and similarly there shall not be any entry either in the birth register or birth certificate of the said child, that he/she was born to a convict prisoner or UTP.

vi. The jail authorities to provide separate accommodation to the women along with the children for keeping them away from the convicts and UTPs, in particular the convicts & UTPs in violent and heinous crimes, so as to prevent their influence on the children who are at tender age.

vii. A separate room with adequate privacy be provided to the women with infants to enable them to give breast feeding to the child as and when required.

viii. Medical record, Vaccination Chart shall be maintained by the jail authorities in respect of each infant/child who are along with the women prisoners and the same shall be handed over to the mother at the time of her release or to the relative/guardian/concerned Child Welfare Institution to whom the child was handed over after the statutory period.

....4.

ix. All the jails shall maintain individual and separate record with all particulars of the children born to the women prisoners after their admission into jail.

x. The infants/ children of the women prisoners shall be provided proper clothing suitable to the climatic conditions.

xi. Separate utensils be provided for preparation of food to the children in the jail and their diet and food shall not be prepared along with the food for adult prisoners.

xii. Separate sleeping facilities shall be provided to the mother and child in the jail, in a clean and hygienic condition.

xiii. Taking into consideration the less number of infants in the jail along with the women, in order to avoid financial burden to the State and at the same time to protect the health of the infant though less in number, whenever the mother of the child falls sick, the jail authorities shall outsource a trained woman caretaker/midwife/nurse to look after the child during the period of sickness of the mother.

xiv. Services of female warder to be provided to look after the safety and welfare of the children with woman prisoners, when the convict prisoner is engaged in the work entrusted to her.

xv. For the purpose of pre-natal and post-natal care to the pregnant women prisoners, the services of Gynaecologist must be made available periodically.

xvi. The services of Paediatrician is also required to be made available in the jails where children are staying with the women prisoners.

xvii. The jails authorities to ensure that the Board of Visitors constituted and so also non-official visitors shall interact with the pregnant women and women with children during their periodical visits to the prison and proper and adequate record along with the remarks of the said Board of Visitors shall be maintained by the jail authorities.

xviii. In some jails in the State, though the posts of medical Doctor were sanctioned, most of them are vacant and not filled-up. The medical authorities shall ensure that vacant posts of Medical Officers in the Jails are filled up immediately without leaving any such post vacant.

xix. Considering less number of children staying with the women prisoners it may not be feasible to provide education facility inside the jails. Hence suggested to provide services of Anganwadi teachers with necessary toys/ children games etc., for imparting pre-school education and recreation to those children and also to consider to utilise the services of long term educated prisoners who are with good conduct for this purpose.

....5.

5. Further, in the ref. 8th read above, the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh, has also directed the Government of Andhra Pradesh, to issue a comprehensive G.O. on the lines of G.O.Ms.No.22 dated: 10.02.2018 issued by the Telangana State.

6. In the ref. 9th read above, the Director General of Prisons, has stated that the Hon'ble Supreme Court in its orders dated 13.11.2014 in W.P. (Civil) No.559/1994 has recommended the following portion of balanced diet for the children of women prisoners from the age of 6 months to 6 years and requested to issue necessary orders for introducing the new diet in addition to the existing Diet scale as prescribed in G.O. Ms. No.36, Home (Prisons.B) Dept., dated 25.02.2005. The Director General of Prisons & Correctional Services, Andhra Pradesh, Vijayawada, has also stated that the approximate expenditure involved for introducing the following new diet for 30 children is Rs.1,00,000/- per annum :

Food items Per day	**Age**		
	6 to 12 months	**1 to 3 years**	**4 to 6 years**
Cereal and Millets	45 Grams	60 to 120 Gms	150 to 210 Gms
Pulses	15 Grams	30 Grams	45 Grams
Milk	[being given as per G.O. Ms. No.36 Home (Prisons. B) Department dated 25.02.2005]		
Roots and Tubers	50 Grams	50 Grams	100 Grams
Green Leafy Vegetables	25 Grams	50 Grams	50 Grams
Other Vegetables	25 Grams	50 Grams	50 Grams
Fruits	[being given as per G.O. Ms. No.36 Home (Prisons. B) Department dated 25.02.2005]		
Sugar	25 Grams	25 Grams	30 Grams
Fats / Oils (edible)	10 Grams	20 Grams	25 Grams

7. Government after careful examination of the proposal of the Director General of Prisons & Correctional Services, Andhra Pradesh and in view of the directions of the Hon'ble Supreme Court of India, hereby accord permission to the Director General of Prisons & CS, Andhra Pradesh for the following:

(i) to implement the directions of the Hon'ble Supreme Court of India and the suggestions of the Member Secretary, Andhra Pradesh State Legal Services Authority, Hyderabad respectively, at paras 2 & 4 above.

(ii) to introduce the new Diet Scales as mentioned at para-6 above, for the children of women prisoners from the age of 6 months to 6 years, and the expenditure shall be debitable to Head of Account 2056-Jails. MH01, SH.04 Jails – 230 – Diet Charges (Non-Plan).

....6.

8. The Director General of Prisons and Correctional Services, Andhra Pradesh, Vijayawada, shall take immediate necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.R. ANURADHA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Prisons and Correctional Services, A.P., Vijayawada.
The Women, Children, Disabled and Senior Citizens Dept.
The Health & Medical and Family Welfare Department.
The Director General, A.P., Mangalagiri.
Copy to:
The Member Secretary, A.P.State Legal Services Authority,
City Civil Court, Hyderabad.
The Asst. Registrar, High Court of Judicature at Hyderabad for the
State of Telangana and the State of Andhra Pradesh.
SF/SC

// FORWARDED :: BY ORDER//

SECTION OFFICER